

MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, June 16, 2015, at 7 P.M., in the Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Byron Buckels
Council Member Jimmy Haire
Council Member Charles Taylor
City Clerk Bonnie Davis
City Manager Hal Hegwer

Mayor Pro Tem James Williams
Council Member Sam Gaskins
Council Member Norman Charles Post, III
Council Member Rebecca Wyhof
City Attorney Susan Patterson

Mayor Mann called the meeting to order. Council Member Buckels delivered the invocation. The Pledge of Allegiance was recited.

PUBLIC COMMENT

Keith Clark, residing at 212 Acorn Drive, stated that it was good to see that prayer had been reinstated at Council meetings. He addressed a comment that had been made that businesses are recovering on Hawkins Avenue with the road being closed due to construction of the roundabouts. He lives in Ward 2 and stated that the information that the businesses are recovering is not true; the businesses cut off are starving. Food Lion has one register open during the day until 4 P.M. Dollar General has only one person working. He felt the state did a poor job of labeling alternatives in ways to get around in that area.

APPROVAL OF AGENDA

Council Member Norman Charles Post III asked to be recused from voting on two items on the regular agenda: 10A. Consider Capital Project Ordinance Amendment – Veterans Administration (VA) Clinic Wastewater Infrastructure Project and 10B. Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 – (VA Clinic Wastewater Infrastructure) due to a conflict of interest. Council Member Wyhof made the motion to excuse Mr. Post from voting on the two items. Seconded by Council Gaskins, the motion carried unanimously.

City Attorney Patterson requested to add an item to the regular agenda: Consider Easement and Encroachment Agreement Necessary for the Buggy Factory and a Closed Session after Other Business.

Council Member Gaskins made the motion to approve the amended agenda. Seconded by Council Member Wyhof, the motion carried unanimously.

CONSENT AGENDA

Approval of Law and Finance Committee Meeting Minutes Dated April 29, 2015 – (Filed in Vault)

Approval of City Council Budget Workshop Minutes Dated May 27, 2015 – (Filed in Minute Book 84)

Approval of City Council Budget Workshop Minutes Dated June 1, 2015 – (Filed in Minute Book 84)

Council Member Gaskins made the motion to approve the consent agenda. Seconded by Council Member Buckels, the motion carried unanimously.

SPECIAL AGENDA

Presentation of Proclamation and Plaque Honoring Susan Swan King – (Exhibit A)

Mayor Chet Mann read and presented a proclamation honoring Susan Swan King for her commitment, dedication and service to HAVEN and presented her with a plaque as a token of Council's appreciation for her guidance she rendered during her tenure.

CASE FOR PUBLIC HEARING: to be held jointly with the Planning Board.

Amendment to Table 4.6.-1 Permitted Use Matrix - to add a new use "Solar Collector Facility" and further indicate that the use shall be permitted as a Special Use with Development Standards in the RA, RR, R-20, R-14, R-12SF, R-12, MF-12, NC, HC, C-1, C-2, O & I, LI and HI zoning districts, Article 5 to create a new Section 5.39 and Section 5.40 to add regulations and design standards for commercial and residential "Solar Collector Facilities". – (Exhibit B)

Design Review Coordinator Amy McNeill explained that on page 14 of the agenda packet, Council has information regarding adding Commercial Solar Collector Facility (commonly referred to as solar farms) and Residential Solar Collectors to the List of Permitted Uses within the UDO.

She stated that these proposed text amendments were originally presented to the Sanford City Council during a public hearing held in November of 2014. Upon receiving a favorable recommendation from the Sanford Planning Board, the Council voted to table these text amendments in December 2014 and instructed staff to further research bonding requirements for the Commercial Solar Collector use. Since several months have passed and the proposed design standards have been updated to address the concerns and questions posed by various boards, a new public hearing is being held.

At this time, commercial solar collector facilities are included within a larger land use grouping (gas or electric generation distribution facilities, compressor stations, or substations) and are approved as follows:

- Permitted in the Residential Agricultural (RA) district as a Special Use granted by the Board of Adjustment for the appropriate jurisdiction (with no specific design standards ;)
- Permitted by right in the Light Industrial (LI) and Heavy Industrial (HI) districts, subject to the general development standards of the UDO as reviewed and approved by staff;

- Prohibited in all other zoning districts unless approved as a site plan specific conditional zoning district via the rezoning process which must be voluntarily offered by the developer and reviewed and approved by the respective boards for the appropriate jurisdiction.

As of June 2015, two solar commercial collector facilities have been approved within our collective jurisdictions. The Sanford Solar project is a 12.5 acre facility located within Sanford's corporate limits in the northwestern quadrant of the intersection of W. Garden Street and Washington Avenue, which was approved via the conditional zoning process in 2013, but has not yet developed.

The Balsam, Elm, Sweetgum and Sandifer 4 solar project is a 203.50 acre facility that is comprised of four individual solar farms located within Sanford's corporate limits and the ETJ, southeast of the intersection of Fire Tower Road and W. Garden Street. This project was also approved via the conditional zoning process, subject to the condition that the project must comply with any bonding requirements that the Sanford City Council requires as per this solar collector facilities text amendment.

Staff is currently working with a solar energy company regarding two potential sites. One site is 64.1 acres located within the jurisdiction of Lee County and is zoned Heavy Industrial (HI) and the other site is 49.81 acres located within the jurisdiction of the City of Sanford and is zoned Residential Single-Family (R-20).

Central Electric Membership Corp. is interested in developing a solar collector facility on the main office site at 128 Wilson Road.

There are two options for proposed regulations for Commercial Solar Collectors: Option #1 was drafted by Planning and Development staff:

It is recommended that "Commercial Solar Collector Facilities" be added as a line item in Table 4.6-1 PERMITTED USE MATRIX and be permitted as Special Use granted by the Board of Adjustment for the appropriate jurisdiction with specific development standards in all zoning districts, with the exception of the R-10, R-6 and CBD districts, which are our most urban lots.

This will allow "Commercial Solar Collector Facilities" to be listed as an individual use with unique development standards. The subject property would then retain the existing zoning and yet allow the development of a solar farm on site, provided that the proposed design meets the applicable criteria and is approved by the Board of Adjustment. For example, the area leased by a solar farm company on an agricultural farm zoned RA would still be zoned RA once the components of the solar farm were removed and the land was returned to farmland. This would allow the zoning to still be in harmony with the area and in conformance with the long-range land use plan and the property owner would not have to bear the burden of rezoning the land back to RA once the solar farm ceased to function. (Most solar farm developers/operators prefer to lease the land as opposed to purchasing it.)

Ms. McNeill read the draft language for the New Section 5.39 Commercial Solar Collector as presented to Council on Exhibit B.

5.39.1 SOLAR COLLECTOR FACILITY DEFINED

A Commercial Solar Collector facility is an area of land developed with a solar energy system and includes the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. It may be designed with solar arrays installed as fixed systems or tracking systems. Fixed systems are mounted on stationary racks and developers set the angle and orientation of the stationary system to maximize sun exposure - through the day and the seasons - while balancing other factors such as density of rows, wind force, and visibility. Tracking systems are equipped with mechanical components so the panels track the sun through the sky on either one or two axes.

5.39.2 APPLICABILITY

This section shall apply to all uses of land that include the development of a ground-mounted solar collector facility and does not include the installation of roof-mounted or building-integrated solar panels on a commercial or residential structure, which is allowed as a component of the structure and/or an accessory use.

A Commercial Solar Collector facility legally established prior to the effective date of this ordinance shall remain exempt from these standards. This ordinance does not supersede regulations from local, state, or federal agencies, including, but not limited to, any type of overlay district, glare hazard regulations, aviation notification or military installation notification that may be required.

A Commercial Solar Collector facility or solar farm shall be required to conform to the following design standards, in addition to the general requirements of a Special Use Permit Application and any reasonable standards the Board of Adjustment may impose to insure public health, safety, and general welfare. The information provided to the Board of Adjustment, along with the Special Use Permit Application, must address each of the design standards and explain how the proposed project complies with each standard.

- 1.) The facility shall be designed to minimize the impacts of distribution and transmission lines on humans, livestock, wildlife, wildlife habitats, natural resources, forests and environmentally sensitive lands.

Specific information shall be provided regarding how the development of the site in the manner proposed will not harm birds that may fly over or near the solar collection facility.

- 2.) The minimum amount of acreage required is 5.0 acres.
- 3.) The maximum allowed height for a facility is 20 feet, as measured from the finished grade at the base of the structure to its highest point. This excludes utility poles, wiring and any antennas constructed for the project.

- 4.) All structures and collectors must comply with a minimum 50-foot perimeter setback from all property lines and with a 100-foot minimum setback from the right-of-way line of any public roadway.

The facility equipment shall not impair sight distance for safe access to and from the property or other properties in the vicinity.

The minimum required setbacks to ground-mounted facility equipment shall exclude any security fencing, poles and wires necessary to connect to facilities of the electric utility.

- 5.) A Type "C", 20-foot wide landscape buffer yard consisting of only evergreen trees that have a growth habit which will screen the development (for example, holly trees with foliage that extends from the crown to close proximity to the ground) and that shall reach a height comparable with the maximum height of the proposed solar arrays and/or fencing (whichever is taller) shall be installed around the perimeter of the facility.

Small trees shall measure a minimum of 1.5 to 2-inches in caliper for single stem trees or 1 to 1.5-inches in caliper for multi-stem trees and at least 6 to 8 feet in height at the time of planting. Large evergreen trees shall measure a minimum of 1.5 to 2-inches in caliper and 8 to 10 feet in height at the time of planting.

This landscape buffer shall comply with Article 7, Landscaping & Buffering Standards and Appendix C Acceptable Plant Species of the UDO and shall be located on the outside of the fenced area.

It is encouraged to use existing vegetation to comply with this requirement whenever possible and the Board of Adjustment shall have the authority to approve the substitution of existing vegetation if it feels that the intent to minimize the visual impact of the facility is met and if the developer/applicant proves to the board that the existing vegetation complies with the minimum size requirements.

- 6.) The developer is responsible for maintaining the required landscaping and for maintaining (mowing, etc.) the 30-foot area between the 20-foot wide landscape buffer and the 50-foot setback from the property line and/or the 100-foot setback from the right-of-way line of a public street in a manner that is conducive to the surroundings.
- 7.) The site must be secured by a fence along all exterior sides of the facility/solar farm at least 6 feet in height with a gate and a locking mechanism with 24/7 emergency access. The fencing shall consist of durable materials, which shall be approved by the Board of Adjustment.

The fencing must be located between the required landscaping and the structures/solar arrays in order to preserve the intent of the landscape buffer yard.

- 8.) The drives and parking areas for vehicular traffic may be gravel. All parking and vehicular traffic surfaces shall be maintained in sound condition and free of weeds, dust, trash and

debris. All parking areas shall meet the minimum requirements of the applicable state and federal ADA accessibility codes.

- 9.) Signage shall comply with Article 11 Sign Regulations of the UDO, with the exception of required security and safety signage. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency.
- 10.) All power transmission lines from the facility shall be located underground to the extent practical, excluding existing utilities.
- 11.) The electrical disconnect switch shall be clearly identified and unobstructed at all times. The owner must file a map with the Lee County Office of Emergency Services and other appropriate parties (based on jurisdiction) depicting where the disconnect switch is located and supply all emergency contact information to emergency personnel to have on file.
- 12.) If lighting is provided on site, it shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- 13.) The developer shall be responsible for managing storm water on the site. The installation of the facility components may impact storm water on the site and may require changes to storm water management or increase maintenance of storm water systems (i.e. erosion control and keeping drainage ditches/pipes free flowing).
- 14.) The maximum allowed impervious surface for a facility in a residential zoning district is 70 percent. The maximum allowed impervious surface for a facility in a commercial zoning district shall correspond with the maximum allowed impervious surface ratio within the UDO.
- 15.) If an Erosion & Sedimentation Control Plan is required by the State of North Carolina Department of Environment and Natural Resources (NCDENR) for any land-disturbing activity, a copy of the approval letter shall be provided to staff prior to the zoning approval being issued.
- 16.) If a Driveway Permit is required by the North Carolina Department of Transportation (NCDOT), a copy of the approval letter shall be provided to staff prior to the zoning approval being issued.
- 17.) The facility shall be designed and sited so that glare does not create a distraction, nuisance or hazard to traffic (air travel, motorist, etc.), adjacent properties and neighbors. Anti-reflective coatings are required.
- 18.) The facility shall be designed and sited to reduce or eliminate any noise associated with this use.

- 19.) The facility shall be designed and sited to reduce or eliminate traffic levels associated with this use.
- 20.) The facility shall be designed and sited so as to require minimal site maintenance.
- 21.) All site improvements (landscaping, fencing, etc.) must be maintained in good conditions until the facility is dismantled and removed from the site.
- 22.) Solar components must have a UL listing, or a listing from an alternative testing agency accepted by the local jurisdiction having authority over the project.
- 23.) All construction shall comply with all Building and Electrical codes.
- 24.) All construction parking must be located outside of the rights-of-way of the public streets.
- 25.) The applicant must provide written authorization from the local utility company acknowledging and approving connection to the local utility company's grid.

Ms. McNeill stated that those are the design standards that are proposed as part of the Special Use Permit application.

5.39.4 DECOMMISSIONING AND ABANDONMENT

Ms. McNeill stated that in the event a commercial solar collector facility becomes abandoned, the applicant must provide a way of ensuring the remaining solar infrastructure does not create a hazard to the public.

A decommissioning plan provides an overview of all of the activities that will occur during the removal of the facility, as well as all activities related to the restoration of land and water and the management of excess materials and waste. It will typically include the disconnection of the facility from the electrical grid and the removal of all facility components, including the ground-mounted solar panels with any racking and supports, inverter units, substation, transformers and other electrical equipment, access roads, underground cable, communication tower, perimeter fence and any concrete foundations.

A decommissioning plan signed by the party responsible for decommissioning and the landowner shall be provided to staff as part of the Special Use Permit application submittal:

After approval of the Special Use Permit by the Board of Adjustment, the applicant must provide the Sanford/Lee County Planning & Development Department with a certified cost estimate and a performance guarantee for decommissioning.

The performance guarantee must be in the form of a surety or performance bond and the amount must be one and a quarter times the estimated decommissioning cost minus the salvageable value or \$50,000, whichever is greater. The full amount of the bond must remain in full force and effect until the solar collector facility/solar farm is decommissioned and any necessary site restoration is completed.

The land owner or tenant must notify the Sanford/Lee County Planning & Development Department when the site is abandoned and when the site is properly restored as per the approved decommissioning plan. The performance guarantee shall be released by staff once the site is properly restored as per the approved decommissioning plan and inspected by staff.

PROPOSED AMENDMENT– Option #2 drafted by Mr. Keith Clark:

(All UDO references and Special Use information to be the same as proposed in Option 1)
– As directed by the Lee County Board of Commissioners, staff met with Mr. Clark on several occasions to discuss this proposed text amendment. Mr. Clark has concerns regarding the long range land use / public policy implications of solar collector facilities / solar farms on Lee County and would therefore like for the boards to consider a “Tax Base Protection Alternative Land Use Matrix for Commercial Solar Farms” option.

Special Use Permits would be applicable only in the RA, LI and HI zoning districts. This alternative proposal would permit the governing bodies to consider any solar collector facility/solar farm on a case-by-case basis through the rezoning process. Such consideration would allow the boards to weigh the short and long term impact in zoning classifications with the higher potential for development that provides more taxable income and more jobs than solar farms. Mr. Clark feels that this decision should be a policy decision on a case-by-case basis until our long-range plan, the Sanford/Lee County 20/20 Land Use Plan can be updated.

Please be aware that we cannot legally require conditional zoning within the UDO Land Use Matrix; therefore, a developer would have to offer to rezone land within a zoning district where the use is not permitted to a site plan specific conditional zoning district and would create his/her own conditions and site design standards as part of the rezoning request. The information submitted as part of this revised rezoning request would be legally binding on the land; therefore, the site would have to be developed as per the plans and conditions proposed (if approved) even if a property transfer were to take place. Once the components of the solar farm were removed, the site would need to be rezoned in order for the site to be redeveloped or returned to farm land.

In summary, regarding commercial solar collectors – there are three options:

- You may choose to leave the language within the UDO as it is.
- You may choose to go with Option #1 as drafted by staff and make this use a Special Use Permit in all zoning districts except the R-6, R-10 and CBD districts.
- You may choose to go with Option #2 as drafted by Mr. Keith Clark and make this use a Special Use Permit in the RA, LI and HI and not permitted in all other zoning districts.

There may be people in the audience that have information to share regarding this use, but prior to moving to the public hearing on this matter - we need to review the proposed text amendment regarding residential solar collectors since the text amendments are grouped together.

Proposed Regulations for Consideration of Residential Solar Collectors:

A residential solar collector is an area of land developed with ground-mounted solar collection panels (one or more) that gather solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for residential property.

This section shall apply to uses of land that include the development of ground-mounted residential solar collectors and does not include the installation of roof-mounted or building-integrated solar panels on a residential structure, which is allowed as a component of the structure.

A residential solar collector shall be required to conform to the following design standards:

- 1.) The collector shall be designed to minimize the impacts of distribution and transmission lines on humans, livestock, wildlife, wildlife habitats, natural resources, forests and environmentally sensitive lands.
- 2.) The collector shall serve residential development located on the same tract of land as the system and the residential development must be permitted per the UDO.
- 3.) The ground-mounted solar panels must comply with the building setbacks for an accessory use/building for the zoning district and may not project into the setbacks.
- 4.) The ground mounted solar panels must be located as close to the ground as practical and shall be a maximum of 20 feet in height as measured from the finished grade at the base of the structure to its highest point.
- 5.) The collector shall be designed and sited so that glare does not create a distraction, nuisance or hazard to traffic (air travel, motorist, etc.), adjacent properties and neighbors. Anti-reflective coatings are required. This residential solar collectors would be permitted with development standards in the Residential Agricultural and Residential Restricted areas only.

Ms. McNeill advised that a public hearing was held last night with the Lee County Commissioners and Lee County Planning Board regarding these proposed text amendments. The Lee County Planning Board unanimously recommended approval with one additional standard for Commercial Solar Collectors, requiring the developer to submit a new cost estimate each year to verify that the performance guarantee for decommissioning is still an adequate amount to ensure compliance with the ordinance. The concern being that over the long lifespan of the solar project, monetary values may change. The recommendation will be presented to the Lee County Commissioners on July 13, 2015.

The third and final public hearing regarding these proposed text amendments will be held with the Broadway Board of Commissioners and Broadway Planning Board on Monday, June 22, 2015 with the Broadway Planning Board's recommendation being presented to the Broadway Board of Commissioners on July 27, 2015.

- Need a Motion to Take From the Table to Discuss the Proposed Text Amendment to Table 4.6-1 Permitted Use Matrix of the UDO to Add a new Use "Solar Collector Facility" and further indicate that the use shall be permitted as a Special Use with Development Standards in the RA, RR, R-20, R-14, R-12SF, R-12, NC, C-1, C-2, O&I, LI and HI Zoning Districts and Proposed Text Amendment to Article 5 of the UDO to create a new Section 5.39 in Order to Add Regulations and Design Standards for the Land Use "Solar Collector Facility."

Council Member Taylor made the motion to take from the table to discuss the proposed text amendment. Seconded by Council Member Gaskins, the motion carried unanimously.

Mayor Mann opened the public hearing. Council Member Taylor asked which option did the Lee County Board of Commissioners adopt last night? Ms. McNeill replied that the public hearing was held and they did not officially adopt anything. The Planning Board met after the public hearing and recommended the option that staff drafted for commercial solar collector facilities with the one revision being in addition to a verification of bond enforced every year; they would like a cost estimate as well just to make sure that we are actually holding enough money to decommission the project. They brought up the point that \$50,000 in 2015, might not be enough thirty years from now to decommission the project.

Mr. Taylor noted that he visited one of these farms between Duplin and Sampson County yesterday. He asked if staff has talked to any other municipalities or areas that have dealt with these issues.

Ms. McNeill replied that she has not spoken with any other areas who have developed this issue, but she has worked with an agency in Raleigh - Tommy Cleveland of the Renewable Energy Project Coordinator, and they are gathering information on solar farms all over the state. Staff goes on the listserv and shares with each other via computer. He has provided a lot of helpful information.

Keith Clark, residing at 212 Acorn Street, commented that what Ms. McNeill has presented is an excellent work product. He has met with Ms. McNeill numerous times, and with his study on the issue, Council has a well-written ordinance in terms of the details of how one was to be developed as you could possibly put together under the existing laws. The only question between the two options relates to where do we allow these to go by right through the Special Use Permit and where do we require the more difficult process of getting the rezoning. He said it comes down to economic development and tax base. The equipment on these facilities are exempt from local property taxes by action of the State legislature. They provide their incentive by taking county and local tax money. He is not opposed personally or ideologically against solar farms or how they are being developed. He is concerned about protecting the tax base and preserving as much acreage in Lee County for good, quality, economic development. A solar farm does not create jobs, only a few jobs while installing it. After that, it sits there. In terms of looking at this as an industrial investment, it produces no jobs. This property will be tied up for any greater value of property or building investment for 15 years or forever; therefore, he is concerned about creating new areas for solar farms. He said we are moving towards a new land use plan. When we did the old land use plan, solar farms weren't in the mix. However, since that time, the economic conditions are a lot different. He understands staff's recommendation; he is looking at it from a different perspective. We only have about 60,000 square miles in Lee County; we don't have a lot of land. Robeson County has a huge amount of farmland available due to the tobacco settlement and this would be a good use for them. We need to raise our home values and our tax base. He complimented Amy McNeill for her work with this issue.

Gerry Dudzik, residing at 139 Kingston Drive, Chapel Hill, North Carolina, spoke in favor. He is a partner and Chief Operating Officer of a company that develops commercial solar in North

Carolina only – Carolina Solar Energy. They built the first grid tied utility scale solar farm in North Carolina in 2007. They built it in partnership with North Carolina State University through a Department of Energy grant. It sits on the athletic field of North Carolina State. Since 2007, they have developed over 150 megawatts in the state. They have tied into Progress Energy, Duke Energy and Dominion’s Grid. Those are the primary customers. He complimented the Planning Department on a very thorough job with the text amendment. He felt the text amendment is very comprehensive, rigorous, and pointed out that the amendment is very concise. He praised the proposed amendment saying it provides a clear, concise roadmap from the development of the solar farm through the life cycle of the system, through decommissioning.

Mr. Dudzik stated that through the course of construction (three to five months, they would hire between 130 to 150 local employees. They would hold a job fair two consecutive weekends. They would bring in maybe six supervisors. Once the project is complete, they would move on but would have learned a new skill. During the construction process, the infusion into the local community would be between \$250,000 to \$400,000 in food, lodging, fuel, rentals and other expenses.

Mayor Mann closed the public hearing.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Capital Project Ordinance Amendment – Veterans Administration (VA) Clinic Wastewater Infrastructure Project – (Exhibit C)

Financial Services Director Beth Kelly explained that previously, Council approved to set up a capital project ordinance for \$1.4 million to construct wastewater infrastructure to serve a site selected by the Veterans Administration to locate a community-based, outpatient clinic. The original capital project ordinance was funded using Retained Earnings from the Utility Fund in the amount of \$1.4 million. This amendment appropriates \$200,000 in the Golden Leaf Grant funds to be spent towards that construction of the project. This amendment will also transfer the \$200,000 back out to the Utility Fund reserves.

Council Member Gaskins made the motion to adopt the Capital Project Ordinance Amendment – Veterans Administration (VA) Clinic Wastewater Infrastructure Project. Seconded by Council Member Buckels and the motion carried unanimously with Council Member Post excused from voting.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 – (VA Clinic Wastewater Infrastructure) - (Exhibit D)

Financial Services Director Beth Kelly explained that this amendment shows the transfer back into the Utility Fund from the VA Clinic Capital Project and increases the Retained Earnings for the \$200,000. Council Member Wyhof made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 – (VA Clinic Wastewater Infrastructure). Seconded by Council Haire, the motion carried unanimously with Council Member Post excused from voting.

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 – (Clean Up Amendment) – (Exhibit E)

Financial Services Director Beth Kelly explained that this amendment is the annual year end clean-up amendment from several departments for Fiscal Year 2014-2015. Council Member Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2014-2015 – (Clean Up Amendment). Seconded by Council Member Haire, the motion carried unanimously.

Consider Resolution of the Sanford City Council in Support of the Request of Central Carolina Community College to Relocate a Portion of Kelly Drive – (Exhibit F)

Mayor Mann stated that Central Carolina Community College has asked the City Council and Lee County Board of Commissioners to issue support for relocating Kelly Drive to the back side of the college to alleviate congestion and prepare for future growth. They would like to make it more pedestrian friendly as they begin their bond projects to build the 40,000 square foot Health-Science Building on that location.

Mayor Pro Tem Williams made the motion to adopt the Resolution of the Sanford City Council in Support of the Request of Central Carolina Community College to Relocate a Portion of Kelly Drive. Seconded by Council Member Taylor, the motion carried unanimously.

Consider Easement and Encroachment Agreement for the Buggy Factory – (Exhibit G)

City Attorney Susan Patterson advised that we have been working with the principals of the Buggy Factory to receive their construction loans, and the survey on the property indicated that the columns on the building encroach into the sidewalk. To address the issue, this easement and encroachment agreement indicates that the City will allow them to maintain the columns and that the City will be allowed to maintain the sidewalk. In the event the columns should come down, then that would release it from the easement.

Council Member Gaskins made the motion to approve the easement and encroachment agreement for the Buggy Factory. Seconded by Council Member Post, the motion carried unanimously.

Consider Appointments to Various Boards, Commissions, and Committees – (Exhibit H)
ABC Board – (1 appointment)

Council Member Gaskins nominated Jimmy Foster. Council Member Charles Taylor made the motion to appoint Jimmy Foster by acclamation. Seconded by Council Member Post, the motion carried unanimously.

Airport Authority – (1 appointment)

Council Member Post made the motion to appoint Carter Keller by acclamation. Seconded by Council Member Gaskins, the motion carried unanimously.

Appearance Commission – (3 appointments – 2 regular appointments and 1 vacancy - term expires June 30, 2017)

Council Member Haire nominated Brenda Johnson to the term ending June 30, 2018. Council Member Taylor nominated Rhonda Miller to the term ending June 30, 2018. Council

Member Gaskins nominated David Schau to the term ending June 30, 2017. Council Member Post moved to close the nominations. Council Member Gaskins seconded the motion and it carried unanimously. Council Member Post made the motion to appoint Brenda Johnson and Rhonda Miller to the terms ending June 30, 2018 and David Schau to the term ending June 30, 2017 by acclamation. The motion carried unanimously.

Board of Adjustment (also serves as Housing Board of Appeals) - (3 appointments – 2 regular appointments and 1 alternate appointment)

Council Member Taylor nominated Lorie Vance and William Bill Jones III to the regular appointments. Council Member Williams nominated Henry Roger Judd. Council Member Post moved to close the nominations. Seconded by Council Member Taylor, the motion carried unanimously. Council Members Charles Taylor, Sam Gaskins, Jimmy Haire, Rebecca Wyhof, Norman Charles Post II and Byron Buckels voted for Lorie Vance; thus receiving six votes. Council Member Taylor voted for William Bill Jones III. Council Members Williams, Gaskins, Haire, Wyhof, Post and Buckles voted for Henry Roger Judd; thus receiving six votes; therefore Lorie Vance and Henry Roger Judd were appointed to the regular appointments.

Council Member Post made the motion to appoint Williams Bill Jones, Jr. by acclamation to the alternate appointment with term ending June 30, 2017. Seconded by Council Member Haire, the motion carried unanimously.

Environmental Affairs Board – (4 appointments; 2 regular appointments and 2 vacancies with terms expiring June 30, 2016)

Council Member Charles Taylor nominated Christopher Cameron to a regular appointment – term expiring June 30, 2018. Council Member Post nominated Woods Doster to a regular appointment – term expiring June 30, 2018.

Council Member Wyhof nominated Jenna Sorrells to fill a vacancy with the term expiring June 30, 2017. Council Member Post nominated Dereck Martin to fill a vacancy with the term expiring June 30, 2017.

Council Member Post made the motion to close the nominations. Council Member Wyhof seconded the motion and it carried unanimously.

Council Member Post made the motion to appoint Christopher Cameron and Woods Doster to the terms expiring June 30, 2018 and Jenna Sorrells and Dereck Martin to the terms expiring June 30, 2017, by acclamation. Council Member Taylor seconded the motion, and it carried unanimously.

Historic Preservation Commission – (3 appointments)

Council Member Taylor made the motion to appoint Ginger Hubner, David Nestor and Philip Yarborough by acclamation. Seconded by Council Member Post, the motion carried unanimously.

Planning Board – (1 appointment)

Council Member Buckles made the motion to appoint Fred McIver by acclamation. Seconded by Council Member Post, the motion carried unanimously.

Sanford Housing Authority – (7 appointments: 3 appointments – terms expiring June 30, 2018; two appointments – terms expiring June 30, 2017; and two appointments – terms expiring 2016)

Mayor Mann noted that we are reseating the appointments to the Sanford Housing Authority.

Council Member Post made the motion to appoint the following by acclamation:

- William P. “Bill” Tatum to the term expiring June 30, 2016
- Robert F. “Bob” Joyce to the term expiring June 30, 2016
- Dedrick Lamont Petty to the term expiring June 30, 2017
- April Tibbs (Resident Commissioner) to the term expiring June 30, 2017
- Hope Ware to the term expiring June 30, 2018
- Brandon Atkins to the term expiring June 30, 2018
- Jesse Coyle to the term expiring June 30, 2018.

Council Member Sam Gaskins seconded the motion.

Council Member Taylor stated that in the past, we have appointed one or two at a time; we have done a whole slate. There were a couple of people he would like to have nominated – that is Bob Finch and Robert Woods. He felt Council has done an injustice to our due process for appointment.

The motion passed by a five to two vote with Council Members Taylor and Buckels casting the dissenting votes.

OTHER BUSINESS

Council Member Wyhof praised the HAVEN staff for turning around the financial situation it was facing and making it a success.

Council Member Haire commented on how well the citizens responded by submitting applications for the vacancies on the various Boards and Commissions. He suggested individuals that were not appointed could possibly serve on the Americans with Disabilities Act Committee.

Council Member Williams thanked the Council Members who attended his church’s 100th year celebration.

Council Member Taylor said that he received compliments praising Design Review Coordinator Amy McNeill for her help and patience in leading an individual through a process on a matter. He thanked the city manager and staff for helping with the huge undertaking in Ward 2. There were 40 plus items that needed attention. Mr. Taylor said that he has been communicating with the businesses for over a year regarding the timing of the construction of the roundabouts. Communication has been handled on a weekly basis including the situations where the clock

started on the sixty day window, which will be up June 26 and they will miss that date. The projected date of completion is July 2. They will be penalized for six days. He spoke with the Human Resources Director of Pentair Pools to promote the businesses and offered to pay for their meals. A gentleman at Number One China put out signage at the road and saw some results. He tried to encourage Janice Dixon, with Synergy Properties in Pinehurst, to give the businesses some relief in June and July on their rent, but was not able to accomplish anything. They have used social media tools to encourage residents in that area to make a conscious effort to patronize those businesses. He spent five nights at the Northview Ballpark communicating with the businesses to help patronize the businesses on Hawkins Avenue. A lot of things was done behind the scenes.

Mayor Mann stated that Council will have a public meeting on June 30 at 11 A.M., in the West End Conference Room, on the feasibility study and analysis for the multi-sports park. It is open to the public. He said that the Citizens Academy will be moved to July 20 instead of July 13 to accommodate another event on Monday night. We are planning for National Night Out and we have four events that are forthcoming that will lead up to National Night Out.

Mayor Mann gave a quick update on the mural projects. The first mural is the Sanford Spinners, a characterization of Mr. Auman. The second mural is being worked on now and it will depict some of our African-American leaders in the past, and the cost is between \$8,000 to \$9,000. About \$3,200 has been raised from private funds; we have three murals planned.

Council Member Taylor requested a copy of the letter he had mailed out to the businesses so that he can use it to distribute to people who want to contribute. Council Member Gaskins stated that he understands that Link Boykin and Mr. Wicker are to be on a mural and he suggested that Walter McNeil, Jr. be included; Mr. McNeil spent 33 years on the City Council and it would be a great tribute.

Closed Session

City Attorney Susan Patterson read a motion to go into closed session in accordance with N.C.G.S.143-318.11(a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. So moved by Mayor Pro Tem Williams and seconded by Council Member Haire, the motion carried unanimously.

ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.

RETURN TO REGULAR SESSION AND ADJOURNMENT

Council Member Wyhof made the motion to adjourn the meeting; seconded by Council Member Post, the motion carried unanimously.

Respectfully Submitted,



T. CHET MANN, MAYOR

ATTEST:



BONNIE DAVIS, CITY CLERK